TREE CUTTING & TRIMMING INFORMATION

As of 10-21-2008

Many people are unaware that Electric Utilities have the legal right and authority to maintain its electrical transmission and distribution facilities in a manner that promotes a high standard of safe and reliable service. Similarly, customers on whose land these facilities are located have a legal obligation to allow these Electric Utilities to perform reasonable maintenance and upkeep of its facilities and may not impede these Electric Utilities ability to do so.

The Utah Public Service Commission has adopted rules that require Electric Utility customers to allow them to sufficiently perform this maintenance as a condition of service. The customer shall permit access by the Electric Company's representatives at all hours to maintain electric distribution facilities on the customer's premises. The customer shall permit the Company to trim trees and other vegetation to the extent necessary to avoid interference with the Company's lines and to protect public safety.

The Utah Public Service Commission rules and regulations (Utah Admin. Code § R746-310-4 D (1999)) obligate all electric utilities to comply with the National Electric Safety Code ("NESC") standards for maintaining electric transmission and distribution lines free of trees and other vegetation that may interfere with such lines or that pose a safety hazard. Section 218-A-1 of the NESC states:

> Trees that may interfere with ungrounded supply conductors should be trimmed or removed. *NOTE*: Factors to consider in determining the extent of vegetation management required include, but are not limited to: line voltage class, species' growth rates and failure characteristics, right-of-way limitations, the vegetations location in relation to the conductors, the potential combined movement of vegetation and conductors during routine winds, and sagging of conductors due to elevated temperatures or icing.

In limited situations where Electric Utilities have not acquired a written easement from the landowner, the right to maintain a certain transmission or distribution line may arise by operation of law. Known as a "prescriptive right," a line that has been in place for at least 20 years will be recognized under Utah law in much the same manner as an easement acquired by negotiation from the landowner. Once vested with this right, Electric Utilities have the legal duty and authority to reasonably maintain the line in a safe and reliable manner.

To determine what is reasonably safe we must follow guidelines set forth in the NESC for maintaining electric transmission and distribution lines free of trees and other vegetation that may interfere with such lines or that pose a safety hazard. Proper pruning practices should be followed as outlined by the International Society of Arboriculture (ISA) and American National Standards Institute (ANSI). The ANSI A300 standard section 5.9.2.1.4 and 5.9.2.1.5 state:

> -Trees growing next to and into or toward the facility/utility space should be pruned by reducing to laterals (5.3.3) to direct growth away from the utility space or by removing entire branches. Branches that when cut, will produce water sprouts that will grow into facilities and/or utility space should be removed.
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> -Branches should be cut to laterals or the parent branch and not at a preestablished clearing limit. If clearance limits are established, pruning cuts should be made at laterals or parent branches outside the specified clearance zone.

The ANSI A300 standard section 5.9.2.1.3 states:

> Trees directly under and growing into or toward facility/utility spaces should be removed or pruned. Such pruning should be done by removing entire branches or by removing branches that have laterals growing into (or once pruned, will grow into) the facility/utility space.

There are different clearance requirements depending on tree species, growth characteristics, and voltage of the line. Tall fast growing trees like cottonwoods require at least 12 feet of side clearance, at least 10 feet of overhanging clearance, and at least 14 feet of clearance underneath the distribution lines. Tall slow growing trees like pines require at least 8 feet of side clearance, at least 10 feet of overhanging clearance, and at least 10 feet of clearance underneath the distribution lines. Some pruning cuts are made at the trunk to reduce the crown and eliminate the main central lead; the rest are pruned to lateral branches large enough to support the remaining limbs. The lateral limbs that are able to be pruned must provide necessary clearances and direct future growth away from the power lines. Once clearances are obtained Electric Utilities can complete additional pruning at the property owners request to help the appearance of the trees. However, they will not top or round over tree's.

The Court Of Appeals of Utah in Taylor v PSC & PacifiCorp, ***2005 UT App 121,*** states in part:

> The PSC's findings that PacifiCorp has the legal right to trim "to the extent necessary to avoid interference with the Company's lines and to protect public safety," and that the proposed trimming is reasonable under these circumstances, is supported by the National Electric Safety Code trimming guidelines, the Approved American National Standard A300 standards, and the testimony of PacifiCorp's Assistant Forester, Randy Miller….. We are persuaded that substantial evidence supports the PSC's determination that PacifiCorp's guidelines and proposed trimming plans are objectively reasonable under all the circumstances.

It was contact between trees and power lines that contributed to the 2003 blackouts across the Northeast and the West which cut electricity to over 50 million customers which also included Ontario.

A federal oversight agency now mandates standards that took effect in February 2006. The new rules apply to high-voltage transmission lines, which feed electricity from substations and service towers to the lower-voltage distribution lines that run along most streets. A branch or tree that downs a distribution line can cut power to a street or neighborhood, but a similar problem on a transmission line can affect all of the connecting distribution lines and many more customers.

The North American Electric Reliability Corporation (NERC) developed the rules with oversight by the Federal Energy Regulatory Commission (FERC).

"They tell all electric utilities that “They should never have an outage from a grow-in," and utilities must take heed because violators can face multimillion-dollar fines, says Randy Miller, president-elect of the Utility Arborists Association and director of vegetation management for PacifiCorp, which provides power in six Western states.

Most utilities follow industry standards outlined by the International Society of Aboriculture but the best pruning and cutting practices aren't always aesthetically pleasing.

"It's not just the convenience of the circuit, but people's lives, people's livelihoods depend on that power," said Geoff Kempter, manager of technical services for Asplundh Tree Expert Co., a utility contractor based near Philadelphia.

Industry experts say today's pruning debates -- sometimes in suburbia, sometimes in more rural areas -- stem from people being accustomed to the flexible and less controversial trimming practices in the past.

Cutting down potential hazards is often the most responsible and cost-efficient long-term step for utilities and customers who could see rates increase to cover maintenance, said Randy Miller of PacifiCorp. "If utilities are trying to save money, it's their rate-payers they're trying to save," he said.